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12 **UNITED STATES DISTRICT COURT**
13 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
SAN FRANCISCO DIVISION

14 CENTER FOR BIOLOGICAL DIVERSITY
15 *et al.*,

16 Plaintiffs,

17 v.

18 MICHAEL S. REGAN, in his official capacity
19 as Administrator of the United States
20 Environmental Protection Agency,¹

21 Defendant.

Case No. 3:20-cv-00448-VC

JOINT STIPULATION AND
~~PROPOSED~~ ORDER

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27 ¹ Pursuant to Fed. R. Civ. P. 25(d), Andrew R. Wheeler's successor, Michael S. Regan, in his
28 official capacity as the Administrator of the United States Environmental Protection Agency, is
automatically substituted as the Defendant in this case.

Defendant Michael S. Regan, in his official capacity as the Administrator of the United States Environmental Protection Agency (“EPA”), and Plaintiffs Center for Biological Diversity and Center for Environmental Health (collectively, “Plaintiffs”) stipulate to and request that the Court enter an order vacating the case management conference set for Wednesday, May 26, 2021 at 2:00 p.m. In support of this request, Plaintiffs and EPA (collectively, the “Parties”) state as follows:

1. On October 21, 2020, the Court entered a consent decree resolving the substantive claims in this case. Dkt. No. 33 (“Consent Decree”). However, the Consent Decree did not resolve Plaintiffs’ claim for costs of litigation. The Consent Decree extended the deadline for filing a motion for costs of litigation until ninety days after entry of the Decree, i.e., January 19, 2021.

2. On January 19, 2021, the Parties advised the Court that they had completed discussions regarding resolving Plaintiffs’ claim for cost of litigation, including attorney’s fees, without further litigation and have reduced their tentative agreement to writing. The Parties further advised the Court that approval of any settlement on behalf of EPA requires review and approval by the appropriate officials at EPA and the Department of Justice and that, if approved, the parties would need 120 days to effectuate payment under the tentative agreement. Dkt. No. 34. Therefore, the Parties requested that the Court enter an order extending the deadline for Plaintiffs to file a motion for costs of litigation by 150 days, i.e. to June 18, 2021.

3. On, January 19, 2021, the Court entered an order extending the deadline for Plaintiffs to file a motion for costs of litigation to June 18, 2021 and setting a further case management conference for Wednesday, May 26, 2021 at 2:00 p.m.

4. The Parties have resolved Plaintiffs’ claim for costs of litigation and EPA has effectuate payment.

5. Therefore, the Parties stipulate to and respectfully request that the Court vacate the further case management conference set for Wednesday, May 26, 2021 at 2:00 p.m.

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1 Respectfully submitted,

2 Date: May 13, 2021

/s/ Robert Ukeiley (email authorization 5/13/21)

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Counsel for Plaintiffs

13 Date: May 13, 2021

14 JEAN A. WILLIAMS
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/s/ Leslie M. Hill

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~~PROPOSED~~ ORDER

Pursuant to stipulation and for good cause shown, the case management conference set for Wednesday, May 26, 2021 at 2:00 p.m. is hereby vacated.

IT IS SO ORDERED.

Dated: May 19, 2021



VINCE CHHABRIA
United States District Judge